

OPEN ARTS Safeguarding Policy

Open Arts' Adult Safeguarding Champion (ASC) & Child Protection Designated Officer: Beverley McGeown

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Policy Statement

Our commitment to safeguard

Adults at Risk

Abuse is a violation of an individual's human and civil rights; it can take many forms. The workers and volunteers in Open Arts are committed to practice, which promotes the welfare of adults at risk and safeguards them from harm.

Workers and volunteers in our organisation accept and recognise our responsibilities to develop awareness of the issues that cause adults harm and to establish and maintain a safe environment for them. We will not tolerate any form of abuse wherever it occurs or whoever is responsible. We are committed to promoting an atmosphere of inclusion, transparency and openness and are open to feedback from the people who use our services, carers, advocates, our workers and our volunteers with a view to how we may continuously improve our services/activities.

We will endeavour to safeguard the adults we work with and care for by:

- Adhering to our safeguarding policy and ensuring that it is supported by robust procedures;
- Carefully following the procedures laid down for the recruitment and selection of workers and volunteers;
- Providing effective management for workers and volunteers through supervision, support and training;
- Implementing clear procedures for raising awareness of and responding to abuse within the organisation and for reporting concerns to statutory agencies that need to know, while involving adults at risk and their carers appropriately;
- Ensuring general safety and risk management procedures are adhered to;
- Promoting full participation and having clear procedures for dealing with concerns and complaints;
- Managing personal information, confidentiality and information sharing
- Implementing a code of behaviour for workers and volunteers.

Children and Young People

Workers and volunteers in Open Arts are committed to practice, which promotes the welfare of children and young people and protects them from harm. We wish to ensure that all children and young people can participate in an enjoyable and safe environment in which they can have fun and feel valued.

Workers and volunteers in this organisation accept and recognise our responsibilities to develop awareness of the issues which cause harm to children and young people, and to establish and maintain a safe environment for them. We will endeavour to safeguard children by:

- Following carefully the procedures laid down for recruitment and selection of workers and volunteers;
- Providing effective management for staff and volunteers through supervision, support and training;

- Reporting concerns to statutory agencies who need to know and involving parents and children appropriately;
- Adopting safeguarding children guidelines through a code of behaviour for workers and volunteers;
- Sharing information about safeguarding children and good practice with children, parents, staff and volunteers;
- Ensuring safety procedures are adhered to

We will review our policy, procedures, code of behaviour and practice at regular intervals, at least once every three years.

Who is an adult at risk of harm?

An 'Adult at risk of harm' is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

a) personal characteristics

AND/OR

b) life circumstances

Personal characteristics may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.

Life circumstances may include, but are not limited to, isolation, socio-economic factors and environmental living conditions.

Who is an adult in need of protection?

An 'Adult in need of protection' is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

a) personal characteristics

AND/OR

b) life circumstances

AND

c) who is unable to protect their own well-being, property, assets, rights or other interests;

AND

d) where the action or inaction of another person or persons is causing, or is likely to cause, him/her to be harmed.'

Who is a child?

A child is a child until they have reached their 18th birthday (Children (NI) Order 1995)

Policy aims

The aim of Open Arts' Safeguarding Policy is to promote good practice:

- Providing Adults at Risk and Children and Young People with appropriate safety and protection whilst involved in Open Arts' activities.
- Allow all workers and volunteers to make informed and confident responses to specific issues.

Good practice guidelines

- Work in an open environment avoiding private or unobserved situations and encouraging open communication.
- In the instances of necessary one to one artistic tuition it will be done with a named and appropriate individual and with the full awareness of other members of the management and artistic facilitation team.
- Treating all Adults at Risk, Children and Young People equally with respect and dignity, always putting the welfare of each first.
- Maintaining a safe and appropriate distance with Adults at Risk, Children and Young People.
- Building balanced relationships based on mutual trust and empowering Adults at Risk, Children and Young People to share in decision-making.
- Ensuring that if any form of manual/physical support is required, it should be provided openly.
- Keeping up to date with technical skills, qualifications and insurance.
- Involving parents/carers wherever possible.
- Giving enthusiastic and constructive feedback rather than negative criticism.
- Keeping a written record of any injury that occurs, along with the details of any treatment given.

Workers and volunteers should ensure that physical contact is person-centred and appropriate to the task required.

It may sometimes be necessary for staff or volunteers to engage in physical contact with Adults at Risk, Children and Young People to enable them to participate in the art form. These tasks should only be carried out with the full understanding and consent of the participant. There is a need to be responsive to a person's reactions. If a person is fully dependent on you, talk with him/her about what you are doing and give choices where possible.

Practices never to be sanctioned

The following should never be sanctioned. You should never:

- Abuse, neglect or harm or place at risk if harm whether by omission or commission
- Spend excessive unnecessary amounts of time alone with Adults at Risk, Children and Young People away from others.
- Engage in rough physical or sexually provocative behaviour.
- Provide any assistance in personal / intimate care.
- Make sexually suggestive comments.
- Form inappropriate relationships.

- Gossip about personal details and their families
- Make/accept loans or gifts of money.
- Allow or engage in any form of inappropriate touching.
- Reduce anyone to tears as a form of control.
- Allow allegations to go unchallenged, unrecorded or not acted upon.

The following should only be sanctioned through discussion with the relevant management along with participants and, where appropriate, their family / carers.

- Sharing a room with a Adult at Risk
- Taking a Adult at Risk to his/her own home
- Taking a Adult at Risk alone on car journey, unless this forms part of the organisation's core activities

Incidents that must be reported/recorded

If any of the following occur you should report this immediately to Open Arts' ASC/Designated Officer and record the incident.

- If you accidentally hurt a participant
- If he/she seems distressed in any manner
- If a participant appears to be sexually aroused by your actions
- If a participant misunderstands or misinterprets something you have done, which has caused them upset.

Use of photographic/filming equipment

There is no intention to prevent the use of video equipment as a legitimate publicity aid. However, participants and their parents/carers should be made aware that this is part of the programme and such films should be stored safely. Video / photography consent form should be completed for each individual as a matter of course.

Social Media

There is no intention to prevent the use of social media to let people and the wider public know about Open Arts. However, workers and volunteers should do so within the guidelines set out in Open Arts social media policy.

Recruitment and training

Open Arts recognises that anyone may have the potential to abuse in some way and that all reasonable steps are taken to ensure unsuitable people are prevented from working with Adults at Risk, Children and Young People.

Pre-selection checks must include the following:

- All workers and individual volunteers should complete an application form. The application form will elicit information about an applicant's past and a self-disclosure about any criminal record.
- Consent should be obtained from an applicant to seek information through the ACCESS NI service, where appropriate.
- Applicants must provide two confidential references. These references must be taken up and confirmed in writing.

- Evidence of identity should be provided (e.g. passport or driving licence with photo).
- All staff will have a probationary period. Freelance workers and volunteers will be subject to a trial period as given in Open Arts Recruitment and Volunteer policies.

Interview and induction

All employees, freelance personnel and individual volunteers will be required to undergo an interview or meeting carried out to acceptable protocol and recommendations. All employees, freelance personnel and individual volunteers should receive formal or informal induction, during which:

- A check should be made that the application form has been completed in full (including sections on criminal records and self-disclosures).
- Any qualifications should be substantiated.
- The role requirements and responsibilities should be clarified.
- All Safeguarding procedures are explained and training needs are identified.

Training, support and supervision

In addition to pre-selection checks, the safeguarding process includes training after recruitment to help workers and volunteers to:

- Analyse their own practice against established good practice, and to ensure their practice is likely to protect them from false allegations.
- Recognise their responsibilities and report any concerns about suspected poor practice or possible abuse.
- Respond to concerns or disclosure.
- Work safely and effectively with Adults at Risk, Children and Young People.

On going training, support and supervision will be given in line with Open Arts Training, Support and Supervision Policy.

Open Arts requires:

- All staff and freelance workers to attend a recognised good practice Adults at Risk & child Protection safeguarding training workshop, to ensure their practice is exemplary and to facilitate the development of a positive culture towards good practice.
- Relevant personnel to receive advisory information outlining good practice and informing them about what to do if they have concerns.
- Relevant personnel to undergo first aid training (where necessary).
- Relevant personnel to attend Disability Equality training.
- Attendance of update training when necessary.

It is not the responsibility of anyone working in Open Arts, in a paid or unpaid capacity, to decide whether or not abuse has taken place. However, there is a responsibility to act on any concerns through contact with the appropriate ASC/Designated Officer.

Open Arts will assure all workers and volunteers that it will fully support and protect anyone who in good faith reports his/her concern that a colleague is, or may be, abusing a child.

Where there is a complaint against a member of staff, freelance person or volunteer there may be three types of investigation:

- a criminal investigation
- a Safeguarding investigation
- a disciplinary or misconduct investigation.

The results of the police and safeguarding investigation may well influence the disciplinary investigation, but not necessarily.

You should also refer to Open Arts' Whistleblowing and Complaints Policies (Appendix 6 & Appendix 7).

Responding to suspicions or allegations

Concerns about poor practice:

- If, following consideration, the allegation is clearly about poor practice, the CEO will deal with it as a misconduct issue.
- If the allegation is about poor practice by the ASC/Designated Officer or if the matter has been handled inadequately and concerns remain, it should be reported to the CEO who will decide how to deal with the allegation and whether or not to initiate disciplinary proceedings.

Concerns about suspected abuse:

- Any suspicion that a Adult at Risk, Child or Young Person has been abused by either a member of workers, volunteer or another participant should be reported to the ASC/Designated Officer, who will take such steps as considered necessary to ensure the safety of the person in question and any other person, who may be at risk.
- The ASC/Designated Officer will refer the allegation to the relevant external agencies (Appendix 5), which may involve the police, or go directly to the police if out-of-hours.
- The parents or carers of the Adult at Risk, Child or Young Person will be contacted as soon as possible following advice from the social services department.
- If the ASC/Designated Officer is the subject of the suspicion/allegation, the report must be made to the appropriate Board representative.
- Seek external advice on who should approach the alleged abuser.

Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only.

This includes the following people:

- The ASC/Designated Officer
- Board representative

- the carers / parents of the person who is alleged to have been abused
- the person making the allegation
- external agencies/police

Information should be stored in a secure place with limited access to designated people, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

Internal enquiries and suspension

- Open Arts ASC/Designated Officer with CEO will make an immediate decision about whether any individual accused of abuse should be temporarily suspended pending further police and social services inquiries.
- Irrespective of the findings of external agencies or police inquiries the Open Arts' CEO will assess all individual cases to decide whether a member of workers or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police. In such cases, Open Arts CEO must reach a decision based upon the available information, which could suggest that on a balance of probability, it is more likely than not that the allegation is true. The welfare of the Adult at Risk, Child or Young Person will remain of paramount importance throughout.

Support to deal with the aftermath of abuse

Consideration should be given to the kind of support that an Adult at Risk, Child or Young person, parents, carers, member of workers or volunteer may need. Use of helplines, support groups and open meetings will maintain an open culture and help the healing process. Consideration should be given to what kind of support may be appropriate for the alleged perpetrator.

Allegations of previous abuse

Allegations of abuse may be made some time after the event (e.g. by an adult who was abused as a child or by a member of workers or a volunteer who is still currently working with children or Adults at Risk).

Where such an allegation is made, the organisation should follow the procedures as detailed above and report the matter to the relevant external agencies or the police. This is because other children and Adults at Risk, either within or outside the arts, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children and Adults at Risk.

Concerns outside the immediate creative environment (e.g. a parent or carer):

- Report your concerns to the ASC/Designated Officer, who should contact the relevant external agencies or the police as soon as possible.

- See below for the information external agencies or the police may need.
- If the ASC/Designated Officer is not available, the person being told of or discovering the abuse should contact social services or the police immediately.
- External agencies will decide how to involve the parents/carers.
- The ASC/Designated Officer should also report the incident to Open Arts Board representative. The Board representative should ascertain whether or not the person/(s) involved in the incident play a role in Open Arts and act accordingly.
- Maintain confidentiality on a need to know basis only.

Information for relevant external agencies or the police about suspected abuse:

To ensure that this information is as helpful as possible, a detailed record should always be made at the time of the disclosure/concern, which should include the following:

- The Adult at Risk, Child or Young Person's details.
- Whether or not the person making the report is expressing their own concerns or those of someone else.
- The nature of the allegation. Include dates, times, any special factors and other relevant information.
- Make a clear distinction between what is fact, opinion or hearsay.
- A description of any visible bruising or other injuries. Also any indirect signs, such as behavioural changes. Have the parents/carers been contacted?
- If so, what has been said?
- Has anyone else been consulted? If so, record details.
- If the Adult at Risk, Child or Young Person was not the person who reported the incident, have they been spoken to? If so, what was said?
- Has anyone been alleged to be the abuser? Record details.
- Where possible referral to the relevant external agencies or police should be confirmed in writing within 24 hours and the name of the contact who took the referral should be recorded.
- If you are worried about sharing concerns about abuse with a senior colleague, you can contact the relevant external agencies or the police direct.

Declaration

On behalf of Open Arts, we, the undersigned, will oversee the implementation of the Safeguarding Policy and take all necessary steps to ensure it is adhered to.

Agreed and adopted, 27th June 2019

Appendix 1

What is abuse and who can abuse

Children and young people

The following definitions are derived from “Co-operating to Safeguard Children and Young People in Northern Ireland” (March 2016) which provides the overarching policy framework for safeguarding children and young people. For the purpose of this guidance a child is a person under the age of 18.

- **Physical abuse** is deliberately physically hurting a child. It may take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.
- **Sexual abuse** occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or nonpenetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.
- **Emotional abuse** is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child’s emotional development. It may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or ‘making fun’ of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child’s peers.
- **Neglect** is the failure to provide for a child’s basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child’s health or development. Children who are neglected often also suffer from other types of abuse.
- **Exploitation** is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

Bullying

Bullying is the repeated use of power by one or more persons to intentionally

harm, hurt or adversely affect the rights and needs of another or others (NI Anti Bullying Forum). Although bullying is not defined as abuse, in its more extreme form it would be regarded as a form of abuse. It can take many forms but the main types are:

- Emotional – excluding, being unfriendly;
- Physical – hitting, kicking, theft;
- Racist – racial taunts, graffiti, gestures;
- Sexual – unwanted physical contact or sexually abusive comments;
- Homophobic – because of or focusing on the issue of sexuality;
- Verbal – name calling, sarcasm, spreading rumours, teasing;
- Cyberbullying (e.g. text message, picture/video-clip and phone call bullying via mobile phones; email, website bullying).

The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children to the extent that it affects their health and development or, at the extreme, causes them significant harm. In these circumstances bullying should be considered as child abuse and treated as such.

Adults and Risk

Abuse is a 'single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to another individual or violates their human or civil rights.' Abuse is the misuse of power and control that one person has over another. It can involve direct and indirect contact and can include online abuse. 'Adult Safeguarding: Prevention and Protection in Partnership' (DOH and DOJ, July 2015) outlines the main forms of abuse:

- **Physical abuse** is the use of physical force or mistreatment of one person by another which may or may not result in actual physical injury. This may include hitting, pushing, rough handling, exposure to heat or cold, force feeding, improper administration of medication, denial of treatment, misuse or illegal use of restraint and deprivation of liberty. Female Genital Mutilation (FGM) is considered a form of physical AND sexual abuse.
- **Sexual violence and abuse** is 'any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability). Sexual violence and abuse can take many forms and may include non-contact sexual activities, such as indecent exposure, stalking, grooming, being made to look at or be involved in the production of sexually abusive material, or being made to watch sexual activities. It may involve physical contact, including but not limited to non-consensual penetrative sexual activities or nonpenetrative sexual activities, such as intentional touching (known as groping). Sexual violence can be found across all sections of society, irrelevant of gender, age, ability, religion, race, ethnicity, personal circumstances, financial background or sexual

orientation.

- **Psychological/emotional abuse** is behaviour that is psychologically harmful or inflicts mental distress by threat, humiliation, or other verbal/non-verbal conduct. This may include threats, humiliation or ridicule, provoking fear of violence, shouting, yelling and swearing, blaming, controlling, intimidation and coercion.
- **Financial abuse** is actual or attempted theft, fraud or burglary. It is the misappropriation or misuse of money, property, benefits, material goods or other asset transactions, which the person did not or could not consent to, or which were invalidated by intimidation, coercion or deception. This may include exploitation, embezzlement, withholding pension or benefits or pressure exerted around wills, property or inheritance.
- **Institutional abuse** is the mistreatment or neglect of an adult by a regime or individuals in settings which adults who may be at risk reside in or use. This can happen in any organisation, within and outside Health and Social Care (HSC) provision. Institutional abuse may occur when the routines, systems and regimes result in poor standards of care, poor practice and behaviours, inflexible regimes and rigid routines which violate the dignity and human rights of the adults and place them at risk of harm. Institutional abuse may occur within a culture that denies, restricts or curtails privacy, dignity, choice and independence. It involves the collective failure of a service provider or an organisation to provide safe and appropriate services, and includes a failure to ensure that the necessary preventative and/or protective measures are in place.
- **Neglect** occurs when a person deliberately withholds, or fails to provide, appropriate and adequate care and support which is required by another adult. It may be through a lack of knowledge or awareness, or through a failure to take reasonable action given the information and facts available to them at the time. It may include physical neglect to the extent that health or well-being is impaired, administering too much or too little medication, failure to provide access to appropriate health or social care, withholding the necessities of life, such as adequate nutrition, heating or clothing, or failure to intervene in situations that are dangerous to the person concerned or to others particularly where the person lacks the capacity to assess risk.
- **Exploitation** is the deliberate maltreatment, manipulation or abuse of power and control over another person; to take advantage of another person or situation usually, but not always, for personal gain from using them as a commodity. It may manifest itself in many forms including slavery, servitude, forced or compulsory labour, domestic violence and abuse, sexual violence and abuse, or human trafficking.

This list of types of harmful conduct is not exhaustive, nor listed here in any order of priority. There are other indicators, which should not be ignored. It is also possible that if a person is being harmed in one way, s/he may very well be experiencing harm in other ways.

'Adult Safeguarding: Prevention and Protection in Partnership' does not include self-harm or self-neglect within the definition of an 'adult in need of protection'. Each case will require a professional HSC assessment to determine the appropriate response and consider if any underlying factors require a protection response. For example self-harm may be the manifestation of harm which has been perpetrated by a third party and which the adult feels unable to disclose.

Where might abuse occur?

Abuse can happen anywhere:

- In someone's own home;
- At a carer's home;
- Within day care, residential care, nursing care or other institutional settings;
- At work or in educational settings;
- In rented accommodation or commercial premises; or
- In public places.

Who can abuse?

Staff and volunteers should be aware that abusers come from all sections of society, all professions and all races and can be male or female.

An abuser can be anyone who has contact with the adult including someone who is physically and/or emotionally close to the adult at risk, and on whom they may depend and trust. It could be a:

- Partner;
- Spouse;
- Child;
- Relative;
- Friend;
- Informal carer;
- Healthcare, social care or other worker;
- Peer; or less commonly a
- Stranger.

Professional abuse – the misuse of power and trust by professionals; the failure of professionals to act on suspected abuse/crimes; poor care practice or neglect in services; or resource shortfalls or service pressures that lead to service failure and culpability as a result of poor management systems.

Peer abuse – the abuse of one adult by another within a care setting. It can occur in group or communal settings such as day centres, clubs, residential care homes, nursing homes or other institutional settings.

Stranger abuse – the abuse of an adult by someone they don't know such as a stranger, a member of the public or a person who deliberately targets adults at risk

Appendix 2

The Role of the ASC/Designated Officer

The role of the Designated Officer is to:

- establish contact with the senior member of Health and Social Care Trust Gateway Teams
- be responsible for safeguarding children in the organisation's catchment area;
- provide information and advice on safeguarding children and young people issues within the organisation;
- ensure that the organisation's safeguarding children and young people policy and procedures are followed and particularly to inform the Health and Social Care Trust Gateway Team within the appropriate Trust of relevant concerns about individual children;
- ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing, under confidential cover;
- liaise with Gateway Teams and other agencies, as appropriate;
- keep relevant people within the organisation, particularly the head or leader of the organisation, informed about any action taken and any further action required;
- ensure that an individual case record is maintained of the action taken by the organisation, the liaison with other agencies and the outcome;
- advise the organisation of safeguarding children and young people training needs.

Responsibility:

The Designated and Deputy Designated Officer is responsible for acting as a source of advice on safeguarding matters, for co-ordinating action within the organisation and for liaising with Health and Social Care Trusts and other agencies about suspected or actual cases of child abuse.

ASC (Adult Safeguarding Champion)

The ASC provides strategic and operational leadership and oversight in relation to adult safeguarding for an organisation or group and is responsible for implementing its adult safeguarding policy statement.

The ASC should ensure that, at a minimum, the organisation safeguards adults at risk by:

- Recognising that adult harm is wrong and should not be tolerated;
- Being aware of the signs of harm from abuse, exploitation and neglect;
- Reducing opportunities for harm, abuse, exploitation and neglect to occur; and
- Knowing how and when to report adult safeguarding concerns to HSC Trusts and/or the PSNI.

Key responsibilities

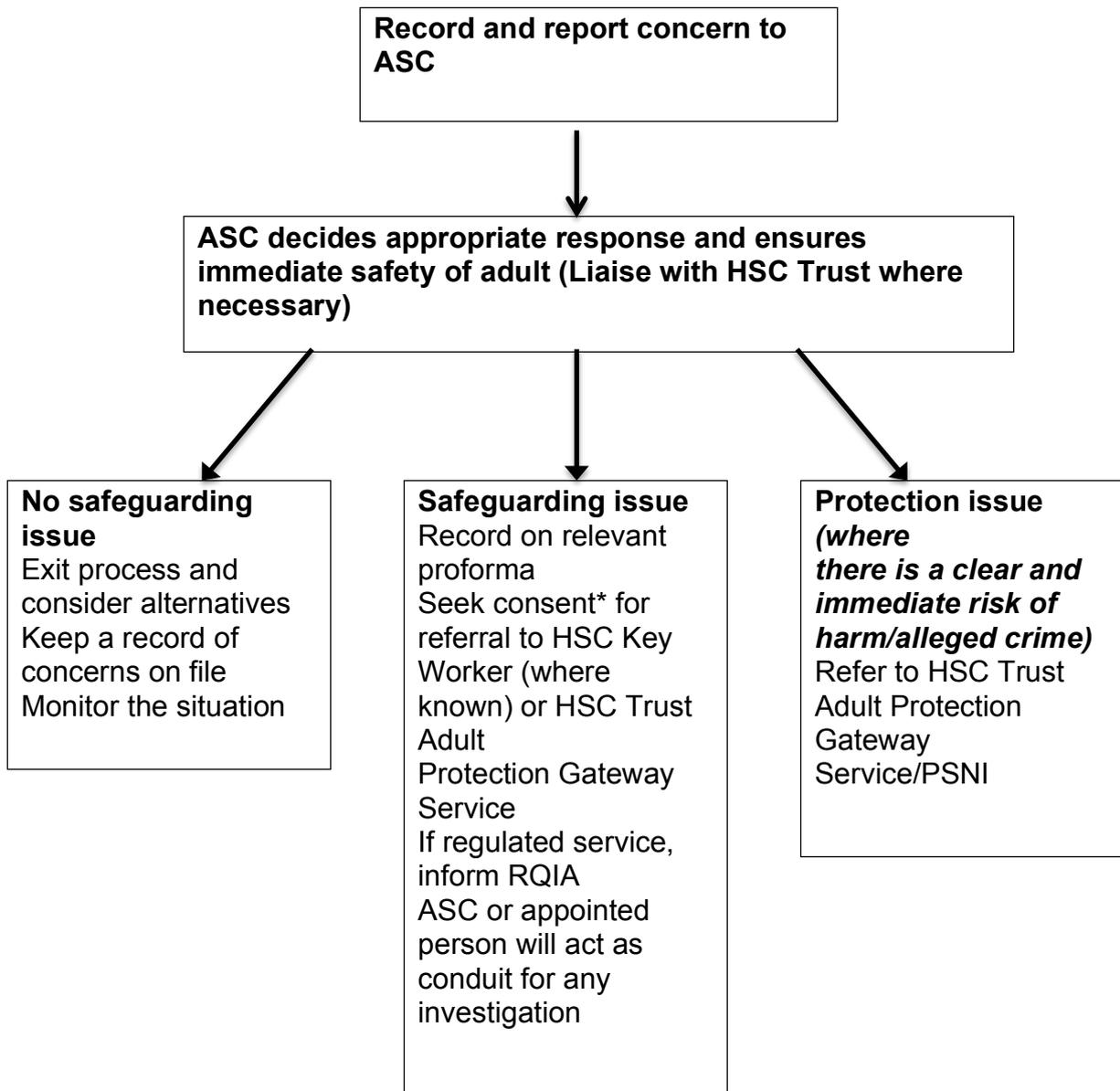
'Adult Safeguarding: Prevention and Protection in Partnership' summarises the key responsibilities for the ASC as follows:

- To provide information, support and advice for staff and volunteers on adult safeguarding within the organisation;
- To ensure that the organisation's adult safeguarding policy is disseminated and support implementation throughout the organisation;
- To advise within the organisation regarding adult safeguarding training needs;
- To provide advice to staff or volunteers who have concerns about the signs of harm and ensure a report is made to HSC Trusts where there is a safeguarding concern;
- To support staff to ensure that any actions take account of what the adult wishes to achieve – this should not prevent information about any risk of serious harm being passed to the relevant HSC Trust Adult Protection Gateway Service for assessment and decision-making;
- To establish contact with the HSC Trust Designated Adult Protection Officer (DAPO), PSNI and other agencies as appropriate;
- To ensure accurate and up to date records are maintained detailing all decisions made, the reasons for those decisions and any actions taken;
- To compile and analyse records of reported concerns to determine whether a number of low level concerns are accumulating to become more significant; and make records available for inspection.

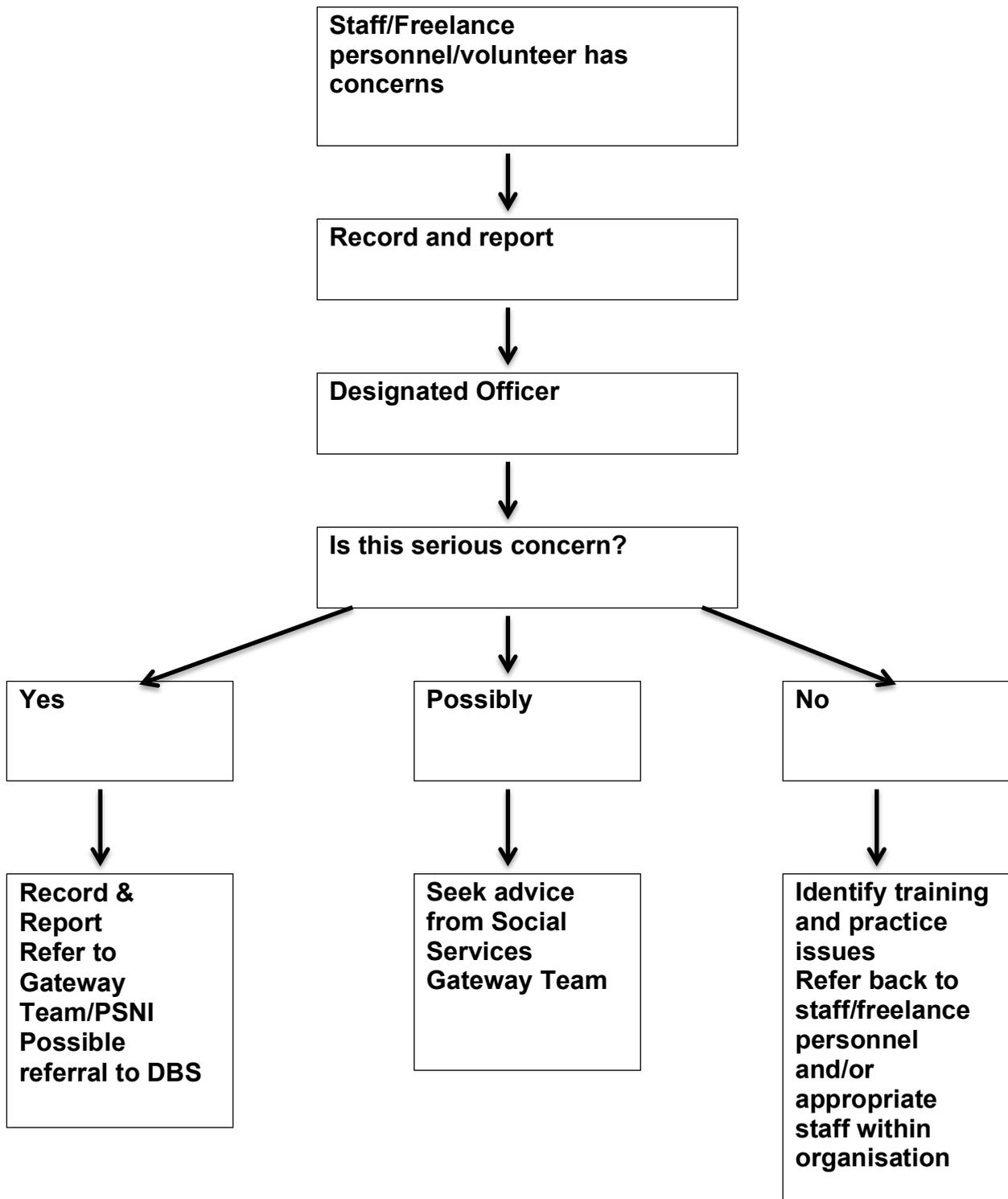
Appendix 3

Reporting Procedures

Adults at Risk



Children and Young People



Appendix 4

Cause for Concern Reporting Form

This form is to be completed on all occasions when there is cause for concern in relation to the welfare of a child or Adult at Risk and given to Open Arts' ASC/Designated Officer

Details of person reporting concerns

Full Name:

Position:

Details of individual for whom concern has arisen:

Full Name:

Group (if applicable)

Name of carer (if applicable)

Please give the details below:

Date and time of incident:

Place of incident:

Date this form completed:

Form Completed by:

Brief circumstances of incident, to include any precipitating factors and injuries sustained (if applicable):

Names of any potential witnesses:

Any other relevant information:

Signed by person reporting:

Date:

Discussed with and signed by Open Arts designated officer:

Date:

Nominated Manager: Outcome and further actions.

Appendix 5

Relevant telephone numbers

Adults at Risk

Health & Social Care Trusts

Normal working hours i.e. 9am – 5pm Monday to Friday

- Belfast (028) 9504 1744
- Northern (028) 9441 3659
- South Eastern (028) 9250 1227
- Southern (028) 3756 4423
- Western (028) 7161 1366

Regional Out of hours i.e 5pm to 9am; weekends; and bank or other public holidays (028) 9504 9999

PSNI

Emergency 999

Non Emergency 0845 600 8000

General Enquiries 0845 600 8000

RQIA The Regulation and Quality Improvement Authority is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland,

Normal working hours (9am to 5pm, Monday to Friday)

Belfast (028) 9051 7500

Omagh (028) 8224 5828

Children and Young People

Health and Social Care (HSC) Trusts - Gateway Teams

- **Belfast HSC Trust 028 9050 7000***
- **Northern HSC Trust 0300 123 4333***
 - Northern Gateway Team
(Ballycastle, Ballymoney, Portrush and Coleraine) 028 7032 5462
 - Central Gateway Team
(Ballymena, Magherafelt and Cookstown) 028 7965 1020
 - South Eastern Gateway Team
(Antrim, Carrickfergus, Newtownabbey and Larne) 028 9334 0165
- **Southern HSC Trust 0800 783 7745***
 - Craigavon and Banbridge Gateway Team
(Craigavon, Banbridge, Dromore, Lurgan, Portadown and Gilford) 028 3834 3011
 - Armagh and Dungannon Gateway Team
(Armagh, Coalisland, Dungannon, Fivemiletown, Markethill, Moy, Tandragee and Ballygawley) 028 8771 3506
 - Newry and Mourne Gateway Team
(Newry City, Bessbrook, Annalong, Rathfriland, Warrenpoint,

Crossmaglen, Kilkeel and Newtownhamilton) 028 3082 5000
option 1

- **South Eastern HSC Trust 0300 100 0300***
 - Greater Lisburn Gateway Team
(Lisburn, Dunmurry, Moira and Hillsborough) 028 9060 2705
 - North Down and Ards Gateway Team
(Bangor, Newtownards, Ards Peninsula and Comber) 028 9181 8518
 - Down Gateway Team
(Downpatrick, Newcastle and Ballynahinch) 028 4461 3511
- **Western HSC Trust 028 7131 4090***
 - Enniskillen Gateway Team 028 6634 4103
 - Omagh Gateway Team 028 8283 5156
 - L'Derry Gateway Team
 - (L'Derry, Limavady and Strabane) 028 7131 4090

*** The number to make referrals**

There is a single, regional number for out of hours referrals: 028 9504 9999

Appendix 6

Whistle blowing Policy

Introduction

Under certain circumstances, workers have legal protection if they make disclosures about organisations for whom they work.

The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle blowing' and we take very seriously any concerns which you may raise under this legislation.

We therefore encourage workers (workers and freelance personnel) to be alert to wrongdoing and to inform management of any concerns. Workers should raise an issue when they are just concerned, rather than wait for proof or investigate the matter themselves.

This policy gives some information about whistle blowing to assist workers in deciding whether any proposed action would be protected under the whistle blowing legislation and sets out the procedure to follow if workers reasonably believe that they have identified such malpractice.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Open Arts nor should it be used to reconsider any matters, which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the 'whistle-blowing' procedures are in place, it is reasonable to expect workers to use them rather than air their complaints outside the organisation.

Background information

The legislation applies to workers who follow the procedures laid down in the legislation (see below) in disclosing specific categories of malpractice relating to one or more of the following actions:

- Financial malpractice or impropriety or fraud
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above.

Are you protected under the whistle blowing legislation?

In order to benefit from the protection of the legislation, the whistleblower has to satisfy certain conditions.

- ✓ Disclosure to the employer will be protected, provided that it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- ✓ Disclosure to a regulator (e.g. Health & Social Care, Charity Commission) will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true.
- ✓ Disclosure to other bodies is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

Procedures for making a disclosure

- Workers should inform the CEO immediately if they become aware that any of the specified actions is happening (or has happened, or is likely to happen).
- If the allegation is about the actions of the CEO, the worker should raise the issue with the a Trustee.
- Complaints against the Chair should be passed to the CEO, who will nominate an appropriate investigating officer.
- The complainant has the right to bypass any line/service level agreement management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.
- If there is evidence of criminal activity then the investigating officer should inform the police. Open Arts will ensure that any internal investigation does not hinder a formal police investigation.
- Whistleblowers can ask for their concerns to be treated in confidence and this will be respected so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.
- Workers will not be penalised for informing management about any of the specified actions and will be protected from reprisals.
- We encourage you to use the procedure if you are concerned about any wrongdoing at work. If you make an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against you. In making a disclosure you should exercise due care to ensure the accuracy of the information. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to disciplinary action up to and including dismissal as may be appropriate in the circumstances.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they

may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- ✓ The seriousness of the issues raised
- ✓ The credibility of the concern
- ✓ The likelihood of confirming the allegation from attributable sources

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating procedure

The investigating officer should follow these steps:

- ✓ Full details and clarifications of the complaint should be obtained.
- ✓ The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The worker will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- ✓ The investigating officer should consider the involvement of the Police at this stage and should consult with the Chair.
- ✓ The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- ✓ A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair as appropriate.
- ✓ The Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Organisation procedures.
- ✓ The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

- ✓ If appropriate, a copy of the outcomes will be passed to the Trustee Board to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, the Organisation recognises the lawful rights of workers and ex-workers to make disclosures to an appropriate organisation or body (such as the Health and Safety Executive, the Police, or regulators), or, where justified, elsewhere.

If you do not report your concerns to Open Arts management or Chair you may take them direct to the appropriate organisation or body.

Agreed and adopted 27th June 2019

Appendix 7: Complaints Policy

Complaints Policy and Procedure

General statement

Open Arts aims to provide its participants, organisations and individuals with the best possible service. We positively welcome suggestions you may have for how we can improve our service.

Usually, a word with the person at the point of service delivery will suffice should a problem arise. However, we recognise that from time to time there may be occasions when users of our services feel that the quality or level of service provided fall short of what they could reasonably expect. We also want to know about these occasions so that we can make good the problem and plan to avoid its repetition. If you have a complaint, we would like you to tell us about it.

This is what you should do:

- If you have a complaint to make, it should be made to the CEO*, who will try to resolve the issue informally.
- If the issue is serious, or you are not satisfied after raising it with the CEO you should make a formal complaint.
- Your complaint should be made in writing, marked "Private & Confidential", and sent to the CEO who will acknowledge it in writing (normally within 7 days of receipt). Remember to keep a copy of your letter. If you need any access assistance to help you make your complaint, Open Arts can arrange this for you.
- The CEO shall - in consultation with the Chair of the Board - investigate the complaint. (See separate check list).
- The CEO shall communicate the results of the investigation to you within a reasonable time - normally 21 days.
- You have the right - if dissatisfied with the results of the inquiry - to put your case in writing or personally to a panel comprising at least three members from the Open Arts' Board.
- If attending personally, you have the right to be accompanied by a friend or advocate to help put your case. (The panel also has the right to have an advisor present).
- The decision of the panel will be final.
- Where appropriate, Open Arts will make a written apology to the complainant, and agree any further action necessary to make good the cause of the complaint.

- All formal complaints and the response made to them will be recorded and filed in a secure place.
- The Board shall be informed by the CEO at the first available meeting of the number and nature of any formal complaints and their outcome, and consideration will be given to the implications these have for the planning and management of future services annually, as part of Open Arts' self-evaluation.

Open Arts' complaints procedure will be publicised to organisations and individuals who use its services.

* If a complaint relates to the CEO, read Chair for CEO throughout this policy.

Open Arts Complaints checklist

Use this checklist when investigating a complaint as part of the organisations complaints policy and procedure.

Dated:

Have you conveyed verbally to the complainant the investigation procedure and timescale? YES/NO

Have you conducted an interview to establish background to and detail of the complaint? YES/NO

Have you written a statement about the complaint, which you have dated and signed? YES/NO

Has the complainant countersigned as correct the statement you have taken? YES/NO

Have you given a copy of the complaint to those associated with its contents? YES/NO

Have you asked, in writing, for a statement from those associated with the complaint within an agreed period of time? YES/NO

Have you received the statements within the agreed time period? YES/NO

Have you advised those being interviewed that they can have a union representative or friend with them? YES/NO

Have you interviewed all those associated with the complaint? YES/NO

Have you written up, signed, and dated your notes from each of these interviews? YES/NO

Have you reviewed all the evidence placed before you? YES/NO

Have you assessed whether or not you feel there are grounds for complaint? YES/NO

If so, have you considered all the options for action that could/should be taken as a result? YES/NO

Are you clear in your own mind what will be the content of the discussion with the Chair about this investigation and its findings? YES/NO

Have you discussed fully with the Chair the findings of your investigation and your recommendations for action? YES/NO

Have you put these formally in writing to the Chair, together with the statements and notes taken during the course of the investigation? YES/NO

This document is to be used in conjunction with the Complaints policy.

Agreed and adopted 27th June 2019